

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN M. WEATHERS, et al., v. THE SCHOOL DISTRICT OF PHILADELPHIA, et al.	CIVIL ACTION NO. 18-3982
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ORDER

AND NOW, this 8th day of April, 2019, the Court **ORDERS** as follows:

1. Upon consideration of Plaintiffs' Motion for Leave to Amend the First Amended Complaint (ECF 6) and oral argument, it is hereby **ORDERED** that Plaintiffs' Motion is **GRANTED**, and the Court will consider the Second Amended Complaint (ECF 6-1) as the operative complaint for purposes of Defendant's Motion to Dismiss and all other purposes.
2. Upon consideration of Defendant's Motion to Dismiss (ECF 17), the Response and Reply thereto, and oral argument, and for the reasons set out in the accompanying Memorandum, the Court **ORDERS** as follows:
 - a. Defendant's Motion is **GRANTED**, with prejudice, as to Counts I and II of the Second Amended Complaint; and
 - b. Defendant's Motion is **DENIED** as to Counts III and IV of the Second Amended Complaint.

BY THE COURT:

/s/ Michael M. Baylson

Michael M. Baylson, U.S.D.J.